

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3RD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, August 21, 2007 AT 3:30 P.M.

PRESENT: Chairman Mayor James Garner, Vice Chairman Bill Utz, Kevin Zurschmiede and Larry Kochert.

OTHERS: Attorney Greg Fifer, Tim Crawford, Brian Dixon and Rob Sartell, EMC, and City Clerk Marcey Wisman.

CALL TO ORDER:

Mayor Garner called the meeting to order at 3:32 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Utz moved to approve the August 7th minutes as amended, Mr. Zurschmiede second, all voted in favor.

BIDS:

Item #1- Basin 35 Phase I

Mr. Christmas opened bids for the Basin 35 Phase I:

Temple and Temple excavating and paving:	\$797,565.00
MAC Construction	\$717,000.00
Team Contracting	\$644,958.00
TSI Paving	\$747,552.45
Cornell Harbison	\$877,140.00

Mr. Kochert moved to take these under advisement, Mr. Utz second, all voted in favor.

Mr. Christmas stated that he would take these under advisement and make sure they are complete and be in contact with the low bidders to get any additional information that they may need.

Item #2 - Robert E. Lee Lift Station

Hall Contracting of Kentucky, INC	\$1,048,000.00
Team Contracting, LLC	\$1,026,000.00
Mac Construction	\$983,200.00

Mr. Christmas presented a letter of recommendation for the award of the Robert E. Lee Lift Station to Mac Construction.

Mr. Utz moved to award the contract to Mac Construction for \$983,200.00, Mr. Kochert second, all voted in favor.

Mr. Christmas stated that they already made available the agreement and bonds necessary to execute the contract.

Mayor Garner stated that he wanted to have the Board attorney look over the agreement before he signs.

Mr. Christmas stated that he would recommend issuing a notice to proceed on this

contract and that will give the contractors 14 days to get the information to them.

Mr. Kochert moved to issue a notice to proceed, Mr. Utz second, all voted in favor.

COMMUNICATIONS - PUBLIC:

Dale Mitchell, presented a plat for Savannah Gardens to be signed by the board.

Brian Getty, informed the board that he just purchased a home in the Silver Creek district and he is currently filling up a swimming pool and he was just informed that he would be charged for sewage for the water he puts into the pool and he was wanting to know if there is anyway to offset the cost of that fee.

Mayor Garner explained to him that the summer watering program is based on a 7 month average from November to April and discussed the City policy relating to pools and irrigation systems. He explained that they try not to deal in case by case situations because it is a policy and a lot of places don't even offer a summer watering program and that the solution to not be billed for the water is to get a separate meter.

Mr. Utz stated that he has problems with this situation where there is someone new to their home filling a pool in the proper summer watering program time frame being billed for water going into a pool and he believes that it is almost like billing under false pretenses.

Mayor Garner stated that they have gone back once their average is determined and given a reimbursement/credit to their bill in very similar situations.

Mr. Sparks read a written statement regarding old accounts on his rental properties that were listed on the Helvey list that will be placed as liens against his property. He stated that he does not believe this is legal and that the Statute of Limitations is 6 years on these bills and some of these accounts are 9 years old. He stated that the billing office is not following the state codes or their own ordinances.

Mayor Garner stated that the law does not mandate that they collect a deposit and that they statute also says that the landlord must provide the billing department in writing a request to be put on notice when tenants are delinquent.

Mr. Sparks stated that he had.

Ms. Welsh stated that he was on the landlord notification list since she has been in the billing office but there are no letters prior to the current administration that he requested.

Mr. Fifer asked if he had put in writing what bills they are disputing.

Mr. Sparks stated that there was such a short amount of time that they wanted to go ahead and pay them before it became a bigger issue.

Mr. Fifer asked him to get a list to Ms. Welsh of the bills that he is disputing and explained that he is in the process of drafting a letter to IN-AWC regarding similar claims asking for back up documents to support bills and explained the history of the billing with IN-AWC and the Helvey customers.

There was a lengthy discussion regarding the issues that Mr. Sparks and Mr. Binkley have with their rental properties and the sewer billing department.

Francis Cahill, 1773 S. Audubon Drive, received the letter regarding the sewer easement stating that they needed a twenty foot easement behind her house but she only has a 7 foot easement behind her house.

COMMUNICATIONS - CITY OFFICIALS

SEWER ADJUSTMENTS:

Mrs. Welsh informed them that she has no adjustments to bring forward

Mr. Dixon stated that he received information from Mrs. Welsh regarding Pick Wick commons that they are not being billed for water which means they are not being billed for sewage, garbage or Stormwater.

Roger Maynard, IN-AWC, stated that if we fax him the list he will take care of this situation.

Mrs. Welsh stated that the Mayor had asked about a list of businesses that are in homes and there are three that there is a question about.

Mr. Dixon stated that there are businesses such as Mom & Pops and Equinox Gardens where they live near the business and they pay for a residential fee but they do not have a bill for their office. He stated that he is of the opinion that they should be receiving a separate bill for their businesses.

Mayor Garner stated that Moms and Pops should be hooked to a sewer line because they have running water

NEW BUSINESS:

OLD BUSINESS:

Item #1 - Donohue re: Project Update

Mr. Elling presented a map showing where flow meters should be placed and what type should be installed along with a memo explaining why and where the permanent and temporary meters should be along with cost information. Said information is on file with the City Clerk's office.

There was a lengthy discussion about the most reliable, cost effective mode of flow monitoring for the city to use.

Mr. Elling discussed the Load in PSF on piping chart in regards to the 15th Street Project. Said chart is on file with the City Clerk's office. He explained that the geotechnical work has found that the track sits on a bed of wet clay which does not support the weight and vibrations of the train and the displacement of the wet clay can cause the sewer line to be crushed. He stated that he has not heard from the railroad in response to his letter regarding the soil conditions in this area.

Mayor Garner stated that he has had communication with the railroad several time this past week and they have never mentioned the letter.

Mr. Elling stated that they need to determine when the sewer pipe was installed so that they can determine the railroad responsibility for the crushing of the pipe.

Mr. Fifer asked if they had found any ballast rock.

Mr. Elling explained that the size of the boring they took could not confirm or deny ballast rock.

There was a lengthy discussion regarding the geotech findings and the different situations that could cause the pipe to fail and what they expect the railroad to do to properly repair the 15th street line.

Mr. Fifer stated that if the railroad does not plan on using the proper methods to install the line that he believes that the board should have him prepare an injunction prior to them doing any work.

Mr. Elling then moved on to the Census map tracts which he discussed at length and is

on file with the City Clerk's office. He asked for them to let him know if these projects are reasonable or unreasonable.

Mr. Zurschmiede stated that this looked reasonable to him.

Mr. Elling explained that the City has fewer sewer users than the amount of flow going through the lines.

Mayor Garner stated that we currently have 9 million gallons per day and asked if in a perfect world shouldn't there be some type of lab analysis data as to how strong the flow should be compared to what they are getting.

Mr. Elling stated that there are averages they could look at.

Item #2 - Clark Dietz re: Project Update

Mr. Christmas reviewed the calendar for the up-coming projects. He also discussed the issue that the bids for the Robert E. Lee lift station do not include the tax exemptions for the purchase of materials. He also will award the Basin 35 bid on September 4 and gave a projection of March 18th, 2008 for the final completion.

Mr. Fifer explained that there will be a public hearing for the attainment of easements on September 18 for the Basin 35 project.

Mr. Christmas stated that they are on track for the Basin 18 project but they are running into easement issues again.

Mr. Elling stated that they want to get the alignment done before they do any digging.

Mr. Christmas stated that he would be contacting Team to remind them to get the trees planted.

Mr. Fifer stated that the board needs to think about how they want to go about getting basin 35 phase II and III done and get the design work awarded within the next 6 weeks. They have proposals from two firms and they need to make a decision as to who they are going to award that to.

Item #3 - Rick Scifers r: Tort Claim

Mr. Sartell stated that he received the information on vanities for Mr. Scifers tort claim and what he sent over does not coincide with what they were given before. He asked him to be here today to explain the discrepancies and he did not show.

The board decided to keep him on the agenda one more time

EMC REPORT:

Mr. Sartell reported that there was a winch that went out at the plant and they were sent one that will be obsolete by the end of the year. They would like to keep this one in storage and install a new one for \$6,325.00.

Mr. Kochert moved to approve the purchase of the winch for \$6,325.00, Mr. Utz second, all voted in favor.

Mr. Dixon stated that at the last drainage meeting they agreed to purchase the red truck for \$18,000 and he found four options for replacements and gave the board quotes.

Mr. Kochert stated that they should purchase a basic pick-up truck just to be used when they need to haul materials or equipment and stated that he would like to wait until the next meeting to decide.

Mr. Utz asked about South Audubon.

Mr. Dixon stated that they will be meeting with the contractors on Friday and they will be opening the quotes at the September 4th meeting.

Mr. Fifer asked how it was going getting the consents in.

Mr. Dixon stated that he has received about half of them.

Mr. Fifer stated that he may want to go to the other individuals to get a move on getting them turned in.

Mr. Zurschmiede asked what needs to be done to replace their member.

Mayor Garner stated that they need to recommend someone to the council and they only have one person interested.

CLAIMS:

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 5:55 p.m.

Respectfully submitted,

Mayor James Garner, Chairman

Marcey Wisman, City Clerk